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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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TRUSTEES of the MASON TENDERS	:
DISTRICT COUNCIL WELFARE FUND,	:
PENSION FUND, ANNUITY FUND and	:
TRAINING PROGRAM FUND,	:
	Plaintiffs,
	:
- against -	JUDGMENT ON CONSENT
	:
ROCCO ROMEO d/b/a R & R ENVIRONMENTAL,	:
INC., ROCCO ROMEO, ROCCO ROMEO d/b/a	:
AMERICAN GENERAL CONTRACTING, R & R	:
ENVIRONMENTAL CONTRACTING, INC., and	:
CLEAN AIR ENVIRONMENTAL, INC.,	:
	Defendants.
	X-----

P. KEVIN CASTEL, District Judge:

WHEREAS plaintiffs, the Trustees of the Mason Tenders District Council Welfare Fund, Pension Fund, Annuity Fund, Training Program Fund and Industry Fund (“Funds”), commenced the above-captioned action (the “Action”) against defendants Rocco Romeo d/b/a R & R Environmental, Inc. (“R&R Environmental”), Rocco Romeo (“Romeo”), Rocco Romeo d/b/a American General Contracting (“American General”), R & R Environmental Contracting, Inc. (“R&R Contracting”) and Clean Air Environmental, Inc. (“Clean Air”, sometimes collectively referred to with R&R Environmental, Romeo, American General and R&R Contracting as “Defendants”), under the Employee Retirement Income Security Act, as amended (29 U.S.C. § 1001, *et seq.*) (“ERISA”) and the Labor-Management Relations Act (29 U.S.C. § 185), to, among other things, recover fringe benefit contributions, dues checkoffs, PAC contributions, interest, liquidated damages, audit costs, reasonable attorneys’ fees, and

other costs and disbursements owed pursuant to Defendants' collective bargaining agreements, the Funds' trust agreements, and ERISA; and

WHEREAS all parties agree that, in order to minimize further legal fees and costs and the additional expenses that would necessarily be incurred in continued litigation, it is in the best interests of all parties to enter into this Judgment on Consent; and

WHEREAS the persons signing on behalf of the Funds and the Defendants, respectively, represent and warrant that they are authorized to execute this Judgment on Consent, and by their signatures bind the Funds and Defendants, respectively, to all the terms of this Judgment on Consent; and

WHEREAS upon consideration of the record herein, and as agreed to by the parties hereto, the Court finds that it has jurisdiction to enter this Judgment on Consent; and

WHEREAS defendants R&R Environmental, Romeo, American General, R&R Contracting and Clean Air, after due consideration and having fully read and understanding its contents, have all consented to the entry of this Judgment.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. **Judgment is entered in favor of plaintiffs Mason Tenders District Council Welfare Fund, Pension Fund, Annuity Fund and Training Program Fund and against defendants Rocco Romeo d/b/a R & R Environmental, Inc., Rocco Romeo, Rocco Romeo d/b/a American General Contracting, R & R Environmental Contracting, Inc. and Clean Air Environmental, Inc., jointly and severally, in the liquidated amount of \$191,067.60, which amount includes: \$81,135.07 for the balance of fringe benefit contributions, dues checkoffs and PAC contributions owed as determined by the audits of the books and records of R&R Contracting and American General covering the period June 1, 2001 through June 30, 2003 and by the audit of the books and records of Clean Air covering the period April 8, 2004 through April 24, 2005; \$25,831.60 for estimated fringe benefit contributions, dues checkoffs and PAC contributions owed for bargaining unit work performed during the unaudited period of May 1, 2005 through April 30, 2006 ; \$28,229.06 for interest;**

\$23,816.22 for liquidated damages; \$5,300.40 for audit fees; and \$26,755.25 for reasonable attorneys' fees and costs incurred by the Funds as of December 31, 2007; and

2. Judgment is entered in favor of plaintiff Funds and against Defendants, jointly and severally, directing Defendants to permit and cooperate in the conduct of audits of all of the books and records of R&R Environmental, American General and R&R Contracting for the period July 1, 2003 through December 31, 2007 and all of the books and records of Clean Air for the periods September 1, 2003 through April 7, 2004 and April 25, 2005 through December 31, 2007; and

3. Judgment is entered in favor of plaintiffs Funds and against defendants Rocco Romeo d/b/a R & R Environmental, Inc., Rocco Romeo, Rocco Romeo d/b/a American General Contracting, R & R Environmental Contracting, Inc. and Clean Air Environmental, Inc., jointly and severally, in such additional amounts of fringe benefit contributions, dues checkoffs and PAC contributions as are determined to be owed by the audits of the books and records of R&R Environmental, American General and R&R Contracting for the period July 1, 2003 through December 31, 2007 and the audits of the books and records of Clean Air for the periods September 1, 2003 through April 7, 2004 and April 25, 2005 through December 31, 2007, together with interest, liquidated damages, audit costs, and further attorneys' fees; and

4. This Judgment on Consent shall be binding upon plaintiffs and defendants, and their respective administrators, executors, successors and assigns; and

5. The Court shall retain jurisdiction over the Action for the purpose of enforcing this Judgment on Consent.

CONSENTED TO BY:

FOR THE PLAINTIFFS:

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2-25-08
Date

FOR THE DEFENDANTS:

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2/19/08
Date

ROCCO ROMEO d/b/a R & R
ENVIRONMENTAL, INC., ROCCO
ROMEO, and ROCCO ROMEO d/b/a
AMERICAN GENERAL CONTRACTING

By: Rocco Romeo
Rocco Romeo, Individually

2-18
Date

R & R ENVIRONMENTAL
CONTRACTING, INC. and CLEAN AIR
ENVIRONMENTAL, INC.

By: Rocco Romeo
Rocco Romeo, President

2-18
Date

DATED: New York, New York
2/21, 2008

P. Kevin Castel,
United States District Judge